

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN SUPERIOR COURT
2009 TERM
CAUSE NO. 77D01-0911-MI-00432

CHARLES E. JUSTISE, SR.,)
 Plaintiff)
)
 VS)
)
JIM BASINGER and)
OFFICER J. WALL)
 Defendants)

FILED
IN CIRCUIT COURT

NOV 10 2009

Steph H. Rini
Clerk, Sullivan Circuit Court

ORDER

The Plaintiff having filed a NOTICE OF CLAIM, the Court now pursuant to I.C. 34-58-1-1, has examined Plaintiff's pleading and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted for the following reasons:

1. Plaintiff has failed to provide proof to the Court that he has exhausted his administrative remedies before filing this cause of action. Plaintiff must have complied with the grievance process as a prerequisite to filing a lawsuit for claims of any constitutional violations. Further, the Plaintiff must have complied with the Indiana Tort Claims Act regarding collecting damages for any alleged loss of personal property. Plaintiff failed to submit any documentation evidencing he complies with the Indiana Tort Claims Act prior to filing his NOTICE OF CLAIM.

2. Further, the Court finds Plaintiff has failed to allege facts sufficient to prosecute this action against the named Defendants in his NOTICE OF CLAIM pursuant to I.C. 34-13-3-5(c).

The Court orders this cause dismissed with prejudice and removes the same from the active docket.

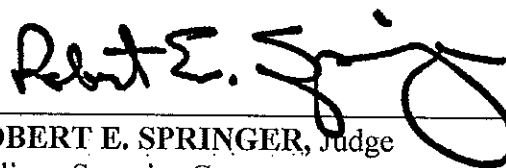
SO RECOMMENDED this 10th day of November, 2009.

Ann Smith Mischler

ANN SMITH MISCHLER, Magistrate
Sullivan Superior Court



SO ORDERED this 10th day of November, 2009.



ROBERT E. SPRINGER, Judge
Sullivan Superior Court

Distribution:

Charles E. Justise, Sr.
DOC #921730
P.O. Box 1111
Carlisle, Indiana 47838

Indiana Department Of Corrections
Attn: Commissioner Edwin Buss
E334 Government Center S
302 W. Washington Street
Indianapolis, Indiana 46204-2760

Patricia Orloff Erdmann
IGCS - 5th Floor
302 West Washington Street
Indianapolis, IN 46204